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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,936	03/22/2004	David Eugene Huddleston	DEH 1002	1017

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EXAMINER

DURHAM, NATHAN E

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/805,936	Applicant(s) HUDDLESTON, DAVID EUGENE	
	Examiner Nathan E. Durham	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☒ Claim(s) 1,3,10-12 and 14 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/26/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

5 because reference character "11" has been used to designate both threads and  
registration holes. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are  
required in reply to the Office action to avoid abandonment of the application. Any  
amended replacement drawing sheet should include all of the figures appearing on the  
immediate prior version of the sheet, even if only one figure is being amended. Each  
10 drawing sheet submitted after the filing date of an application must be labeled in the top  
margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If  
the changes are not accepted by the examiner, the applicant will be notified and  
informed of any required corrective action in the next Office action. The objection to the  
drawings will not be held in abeyance.

15

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the  
disclosure.

The abstract should be in narrative form and generally limited to a single  
20 paragraph on a separate sheet within the range of 50 to 150 words. It is important that  
the abstract not exceed 150 words in length since the space provided for the abstract  
on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

5 The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.  
10 Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The prior art as referenced in the specification by the applicant is not the same as the prior art cited in the Information Disclosure Statement. On page 4 in the applicant's specification,  
15 U.S. Patents 1,171,155 and 6,651,642 B2 are referenced, while in the Information Disclosure Statements U.S. patents 1,171,154 and 6,561,642 B2 are cited. There appears to be a typing error and appropriate correction is required.

20

### ***Claim Objections***

Claims 1, 3, 10-12 and 14 objected to because of the following informalities:

Claims 1, 10 and 12 each have more than one sentence in the claim denoted by more than one capitol letter and more than one period. Each claim should begin with a

capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations. Each claim should be one sentence in length. See MPEP § 608.01(m).

Claims 3 and 14 are unclear because of the phrase "mating mounted sub-  
5 assemblies" because it is not known to what the applicant is referring. For the purpose of this office action, the phrase will be assumed to mean the assembly of the sheet-like material and mounting means.

Claim 11 is objected to because it is unclear what is meant by, "and the tool or  
tools so employed". For the purpose of this office action, this statement will be  
10 disregarded because it is assumed that it is not needed in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

15 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10 and 12-19 are rejected under 35 U.S.C. 112, second paragraph,  
as being indefinite for failing to particularly point out and distinctly claim the subject  
20 matter which applicant regards as the invention.

Regarding claims 1-2, 4-7, 10, 12-13 and 15-18 the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 3 and 14 the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 5 recites the limitation "said operations" in lines 2-3 in claim 5. There is  
5 insufficient antecedent basis for this limitation in the claim.

Claims 8 and 19 are indefinite and fail to distinctly claim the invention. By using the language as stated, "provided there is", the applicant is disregarding the claim unless the situation as described exists. This is not appropriate claim format and renders the claim unclear.

10 Regarding claim 12, the claim is unclear and fails to distinctly claim the subject matter of the invention. The claim is a process claim but is claiming an apparatus (i.e. scoring and joining machine). It is unclear if applicant is intending to claim a process or an apparatus.

15 ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by WALNER (U.S. Patent 6,155,189).

Regarding claim 1, WALNER discloses a process for the decoration of fabrics involving the usage of a sheet-like mounting means (100) with repositionable adhesive applied to one side of the mounting means (Col. 5, Lines 28-38). WALNER then discloses perforation of the mounting means (Col. 4, Lines 44-67 and Col. 5, Lines 1-  
5 27). Once the perforations are cut, the fabric panel is mounted to the mounting means (Col. 5, Lines 28-38).

Regarding claim 2, WALNER discloses the removal of sections of the mounting means after an assembly or decoration operation by tearing along the perforations at the seams or boundaries (Col. 5, Lines 52-59) (Fig. 4).

10 Regarding claim 3, WALNER discloses means to secure together the mounting means and the fabric (Col. 5, Lines 28-32).

Regarding claim 4, WALNER discloses cuts or slits in the mounting means that are strategically placed. The perforations of WALNER can also be considered cuts or slits. These cuts or slits are used in order to tear away sections of the mounting means.  
15 To begin lifting the material away along these lines, a person must start at one of these cuts.

Regarding claim 5, WALNER discloses utilizing computer-aided production or automated production of perforation patterns (Col. 4, Lines 63-67 and Col. 5, Lines 1-  
13).

20 Regarding claim 7, WALNER discloses the possibility of employing wider and more open perforations (Col. 6, Lines 9-11). WALNER shows a range of allowable

widths of the perforations allowing for wider or thinner perforations depending on the application.

Regarding claim 9, WALNER discloses perforations as discussed in claim 1.

These perforations have the ability to function as guides for folding, trimming, formation

5 of multiple or complex seams, and presentation or positioning with respect to finishing tooling. This claim is purely functional language.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

10 obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15

Claims 6, 10-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WALNER (U.S. Patent 6,155,189).

20 Regarding claim 6 and 17, a process for the decoration of fabrics is shown above. However, WALNER fails to disclose means to ensure adhesive is not applied to the mounting means in an area where scores or cuts will be made.

It is common to one with ordinary skill in the art to use masking tape to cover areas where certain solutions, such as adhesive, ink or paint, are not wanted.

25 Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the process of WALNER with a step in



which masking is used to cover the areas where perforations are to be made in order to not further bind the mounting means and allow the mounting means to be easy to tear along the perforations.

Regarding claim 10, a process for the decoration of fabrics is shown above.

- 5 However, WALNER fails to disclose mounting of the fabric panel to the mounting means before or during operations related to the decoration of the fabric.

One with ordinary skill in the art realizes that to establish a fully automated process, one may want to combine steps in a process to decrease production time.

- 10 Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have incorporated mounting the fabric panel to the mounting means, before or during operations related to the decoration of the fabric, to the process of WALNER, in order to decrease the production time, provide less movement of the mounting means by an operator, and to create a fully automated process.

- 15 Regarding claim 11, WALNER teaches a tool for cutting perforations of controlled depth into the mounting means (Col. 5, Lines 11-27). WALNER discloses means for cutting perforations where it is possible to control these means so as to cut a controlled depth into the mounting means. An example is a tool such as a double-edged knife (Col. 5, Lines 17-20) where an operator is in manual control. The operator has the  
20 ability to provide a lower amount of pressure so as to not cut all the way through the mounting means.

Regarding claim 12, WALNER teaches a tool for cutting perforations as discussed in claim 11. The latter part of the claim is not a process claim and does not further limit the parent claim therefore it is ineffective and will not be further examined.

Claims 13-16, 18 and 20 are rejected for the reasons as discussed previously.

5 Refer to 102(b) rejections.

### ***Allowable Subject Matter***

Claims 8 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of  
10 the limitations of the base claim and any intervening claims. The prior art fails to disclose the mounted fabric or sheet-like material subjected to a printing process, while also including the parent claim criteria.

### ***Conclusion***

15 The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the  
20 required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information

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and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

5 I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

10 Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_.  
(Date)

15 Typed or printed name of person signing this certificate:

\_\_\_\_\_

20 Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

### **Certificate of Transmission**

25 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( ) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

30 Typed or printed name of person signing this certificate:

\_\_\_\_\_

35 Signature: \_\_\_\_\_

40 Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

The prior art made of record, as cited in attached PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan E. Durham whose telephone number is (571)

5 272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should  
15 you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

20

NED

  
**GARY L. WELCH**  
**PRIMARY EXAMINER**